

MINUTES OF THE MEETING OF THE BAR - BENCH - MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Thursday, November 3, 1994 at 12:30 p.m. in the Supreme Court Conference Room in the Carvel State Office Building in Wilmington. The meeting was open to the public. Notice of the meeting had been posted. The members of the Conference in attendance were:

Members from the Print News Media

Ms. Rita Farrell
Mr. Mike Pelrine attended for Tammy Brittingham

Members from the Electronic News Media

Ms. Marilyn Buerkle (via conference call)
Mr. Alan Loudell
Mr. Michael Sigman

Members from the Bench

Judge Jay Paul James
Judge Roderick R. McKelvie

Members from the Bar

Howard M. Handelman, Esquire
Rosemary K. Killian, Esquire
Harvey B. Rubenstein, Esquire
Mary E. Sherlock, Esquire

Harvey Rubenstein called the meeting to order. The minutes of the previous

meeting were read and approved. Harvey announced that Chief Justice Veasey had reappointed President Judge Ridgely and Chief Magistrate Griffin to the Conference, as of June 1, 1994, for three year terms ending June 1, 1997.

The major topic of the meeting was a discussion of the Conference's response to Chief Justice Veasey's October 4, 1994 letter. After a lengthy discussion, the Conference approved a response for Harvey to send to the Chief Justice. A copy of Harvey's November 4, 1994 letter to the Chief Justice is attached. A copy of President Judge Ridgely's November 3, 1994 letter to Harvey is also attached for your information.

A committee was appointed by Harvey to conduct a demonstration of how television and radio coverage of a trial would be set up under the proposed rule. The committee consists of Marilyn Buerkle, Alan Loudell, Bill Osborne, President Judge Ridgely, a representative from the News Journal, and Mike Sigman as Chair. The committee will coordinate details of the demonstration with Steve Taylor.

The regular meeting of the Conference scheduled for November 17, 1994 is canceled. The next meeting of the Conference will be on December 8, 1994 at 1:00 p.m. in the Supreme Court Conference Room on the 11th floor of the State Office Building.

Respectfully Submitted,

Stephen D. Taylor

Date: November 7, 1994

Harvey Bernard Rubenstein
Attorney at Law

824 Market Street, Suite 901
Wilmington, Delaware 19801
Telephone (302) 658-4101
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November 4, 1994

**Re: Bar Bench Media Conference - Electronic Coverage of
Trial Proceedings**

The Honorable E. Norman Veasey
Chief Justice of Delaware
State Office Building
Wilmington, DE 19801

Dear Mr. Chief Justice:

A meeting of the Conference was held yesterday, with extended discussion concerning the Court's requests contained in your letter to me of October 4, 1994. The Conference makes this response:

1. The decision of the Federal Judicial Conference should not deter Delaware in pursuing the proposal submitted by the Conference and adopting a program for microphones and cameras in the courtroom. The Conference cannot comment on the decision because the Conference does not have adequate information regarding the reasoning underlying that decision. Further, the Conference believes that any concerns raised in the evaluation of the pilot program in the federal courts can be addressed through the guidelines recommended to the Court by the Conference.

2. The Conference intends to provide the Court with the video prepared by Michael Sigman, News Director of TCI of New Castle County, on the placement of television cameras in the courtroom presented at the February 26, 1993 program, "Lights,

Harvey Bernard Rubenstein

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Cameras and Media Concerns In The Court Room". In addition, a committee is being established to conduct a demonstration of how television and radio coverage actually would be set up under the proposed rule. The committee is comprised of Marilyn Buerkle, News Director for WBOC-TV; Allen R. Loudell, of WILM Newsradio; William D. Osborne, Vice President and Delaware Broadcast Center Manager of WHYY TV 12; a representative from the News Journal Company; and President Judge Ridgely. Michael Sigman will serve as Chair. As Your Honor requested, the Committee will coordinate the details of the demonstration with the Court's Administrator, Stephen D. Taylor.

Respectfully yours,



HBR:mlr

cc: Stephen D. Taylor
All Conference Members

SUPERIOR COURT
OF THE
STATE OF DELAWARE

HENRY DUPONT RIDGELY
PRESIDENT JUDGE

COURT HOUSE
DOVER, DE 19901

November 3, 1994

BY FAX

Harvey Bernard Rubenstein, Esq.
824 Market Street, #901
Wilmington, DE 19801

Re: Electronic Coverage of Trial Proceedings

Dear Harvey:

I will be unable to attend today's meeting due to my presiding over an evidentiary hearing in Dover on a motion for postconviction relief in a capital case. However, I wanted to comment upon the Conference's response to Chief Justice Veasey's letter of October 4, 1994.

Regarding the reports on the use of television in the federal district courts, I understand that both the Committee on Court Administration and Case Management of the U.S. Judicial Conference and the Federal Judicial Center had recommended expansion of camera access to civil proceedings after research found little or no effect of the camera's presence upon participants in the proceedings, courtroom decorum, or the administration of justice. These studies refute the concerns raised before the U.S. Judicial Conference vote to reinstate the ban on cameras. As reported in the November 1994 issue of the ABA Journal, "[t]he Judicial Conference's decision clearly swims against the tide." Because that decision is not supported by the empirical evidence developed by the federal pilot project, I recommend that our Conference maintain its previously stated position on expanded media coverage.


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With regard to the demonstration requested, I recommend that the Conference provide the Supreme Court with the video prepared by Mike Sigman on placement of television cameras in the courtroom presented at the February 26, 1993 program, "Lights, Cameras and Media Concerns in the Court Room." I also recommend that the electronic media be invited to arrange a live demonstration. The Superior Court will provide a courtroom and other support as needed.

Very truly yours,



cmh

xc: File